

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

STEVEN AMES BROWN,

Plaintiff,

No. C 08-02348 JSW

v.

ORDER TO SHOW CAUSE

ANDREW B. STROUD, and STROUD
PRODUCTIONS AND ENTERPRISES, INC.,

Defendants/Counterclaimants

v.

STEVEN AMES BROWN and ESTATE OF
NINA SIMONE,

Counterdefendants.

This matter is set for a hearing on October 14, 2011 on the motion to dismiss filed by Steven Ames Brown ("Brown") and the Estate of Nina Simone ("Estate"). Pursuant to Local Civil Rule of the Northern District 7-3, Counterclaimant Andrew Stroud and Stroud Productions and Enterprises, Inc. and Andy Stroud, Inc.'s (collectively, "Stroud") opposition or statement of non-opposition to this motion was due to be filed and served by August 18, 2011, fourteen days after Brown and the Estate filed their motion to dismiss. To date, Stroud has not filed an opposition or statement of non-opposition.

Stroud is HEREBY ORDERED TO SHOW CAUSE ("OSC") in writing, by no later than September 1, 2011, why the pending motion to dismiss should not be granted in light of their failure to file a timely opposition or statement of non-opposition. If Stroud seeks to file a

1 substantive response to Brown and the Estate's motion, Stroud must demonstrate good cause for
2 failing to file their opposition brief in a timely fashion. Moreover, in their response to this
3 OSC, Stroud is also directed to show cause why their claims should not be dismissed for failure
4 to prosecute. Stroud is admonished that their failure to respond this Order by September 1,
5 2011, will result in a dismissal of their claims.

6 If Stroud seeks to file a substantive response to Brown and the Estate's motion and
7 demonstrates good cause for their delay, the Court will provide Brown and the Estate an
8 opportunity to file a reply brief.

9 **IT IS SO ORDERED.**

10
11 Dated: August 26, 2011



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE